

Notice of Allowability

Application No.

09/675,912

Examiner

Jared J. Fureman

Applicant(s)

KIEKHAEFER, JOHN H.

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the papers filed on 7/21, 9/8, and 10/14/2003.
2. ☒ The allowed claim(s) is/are 1,9-11,15,16,24-26,30-32,34,37,38,58-69,74,75,78,80-82 and 85-90.
3. ☒ The drawings filed on 29 September 2000 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- 1 ☒ Notice of References Cited (PTO-892)
- 2 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3 ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No. 07/03, 01/03
- 4 ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- 5 ☐ Notice of Informal Patent Application (PTO-152)
- 6 ☐ Interview Summary (PTO-413), Paper No. _____
- 7 ☐ Examiner's Amendment/Comment
- 8 ☒ Examiner's Statement of Reasons for Allowance
- 9 ☐ Other

DETAILED ACTION

Receipt is acknowledged of the IDS, amendment, and affidavit, filed on 7/21/2003, the amendment, filed on 9/8/2003, and the response to notice of fee deficiency, filed on 10/14/2003, all which have been entered in the file. Claims 1, 9-11, 15, 16, 24-26, 30-32, 34, 37, 38, 58-69, 74, 75, 78, 80-82, and 85-90 are pending.

Allowable Subject Matter

1. Claims 1, 9-11, 15, 16, 24-26, 30-32, 34, 37, 38, 58-69, 74, 75, 78, 80-82, and 85-90 have been allowed over the prior art of record.

The following is an examiner's statement of reasons for allowance: The prior art of record, taken alone or in combination, fails to teach or fairly suggest: a financial transaction card that is transparent or translucent to human viewing yet detectable by automated card processing equipment having near infrared source/detector pairs each having a source and a detector respectively positioned to face opposing sides of the card when the card is positioned in the equipment for detection and to detect the card by sensing an interruption of near infrared light transmitted from the source to the detector due to the presence of the card, the card comprising a substantially planar material sheet that is transparent or translucent to human viewing, a infrared light filter covering an upper or lower surface of the material sheet, the filter producing sufficient opacity to near infrared light to render the card detectable by the source/detector pairs and being arranged to block near infrared light emitted by the source from reaching the detector, in combination with the other claimed limitations as set forth in the claims.

While transparent cards having infrared light filters were well known to those of ordinary skill in the art at the time of the invention (see for example Travioli US 3,536,894, previously cited), the known cards utilize the light filters to encode information at certain locations of a data recording area on the card, and therefore the light filters do not cover a surface of a material sheet. Thus, there is no motivation for one of ordinary skill in the art to modify such a known card to include the filter being arranged to cover an upper or lower surface of a material sheet, since this would prevent the card from carrying information encoded (by the presence or absence of the filter material at multiple locations on the material sheet) by the filter material.

While West (US 5,005,873, previously cited) teaches a card having a filter material (fluorescent material) covering the entire card, West fails to specifically teach the location of a source/detector pair. Since the system of West detects light emitted by the fluorescent material, this suggests that the source and detector are located on the same side of the card. Therefore, there is no motivation to modify the system as taught by West to include opposing sources and detectors with the card passing between the source and detector, even though it was known to those of ordinary skill in the art at the time of the invention to detect the presence of a card by passing the card between opposing sources and detectors (see for example, Liu et al (US 5,434,404, previously cited) figure 4 and column 8 lines 1-11, and Kurihara et al (US 4,950,877, previously cited) figures 1-2B and column 4 lines 11-17).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lasch et al (US 2003/0141373 A1), Batoha (US 2003/0047615 A1), Labrousse et al (US 2003/0017312 A1), and El Yamani et al (WO 02/05204 A1) all teach transparent/translucent financial transaction cards having a near infrared light filter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared J. Fureman whose telephone number is (703) 305-0424. The examiner can normally be reached on 7:00 am - 4:30 PM M-T, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

November 13, 2003

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